

EXHIBIT A

1 employees would field phone calls from
2 constituents seeking absentee ballot
3 applications; is that right?

4 A. Yes, ma'am.

5 Q. Do you know whether voters in
6 your county can access absentee ballot
7 applications online?

8 A. Yes, ma'am, they can.

9 Q. Okay. Can they also go to your
10 office and receive absentee ballot applications
11 in person?

12 A. Yes, ma'am, they can.

13 Q. Do you know any other way a voter
14 in your county can request to receive an
15 absentee ballot application?

16 A. We did have some people that
17 would come and ask for multiple applications to
18 give to their friends and neighbors, and we
19 would do that.

20 Q. Do you know if that was common or
21 whether that happened before you became the
22 AEM?

23 A. I have no idea.

1 Q. Were the two people who worked in
2 your office before you became AEM, were they
3 the only two people to train you on how to
4 process absentee ballot applications?

5 A. Yes, ma'am. I did have some
6 phone calls with Ms. Mary Roberson. She would
7 -- If I had a question, I could call her.
8 There were a couple emails I sent to Ed Packard
9 at the Secretary of State's office, that he
10 responded to. There was a manual, I think
11 y'all have been provided, or will be provided,
12 a copy of it, that's sort of an instruction
13 manual, sort of a step-by-step guide on what to
14 do when you have someone that walks in or calls
15 or mails in, that was helpful. There was also
16 a handbook, Alabama Election Handbook, that was
17 kind of a way of explanation of Title 17.

18 Q. Okay. Just going back to how
19 voters can receive absentee ballot
20 applications, where is your office located?

21 A. Okay. Currently, we're in the
22 courthouse on 9th Street in Opelika.

23 Q. Okay. And is the courthouse,

1 A. Yes, ma'am, we did.

2 Q. And did your office take any
3 special precautions because of COVID-19 for the
4 public?

5 A. Yes, ma'am, we did.

6 Q. And what were those precautions?

7 A. Most of that was set out by the
8 County. The county administrator had masks
9 available, disposable masks, for people to
10 wear; hand sanitizer; we had glue sticks for
11 sealing envelopes so people would not have to
12 lick their envelope; we had pens that we would
13 throw away or we would spray them down or wipe
14 them down with disinfectant after the people
15 left; the desks that were in the area for
16 people to sit at and vote or fill out
17 applications were wiped down regularly.

18 We never had a line, but we had
19 spaces marked off where people could not be
20 within six feet of each other.

21 We were in two different
22 buildings, one building was across the street
23 from the courthouse. And I tell you that just

1 Q. What role does your office play
2 in verifying whether an applicant's excuse for
3 requesting an absentee ballot is valid?

4 A. Well, if an applicant says
5 they're going to be out of the county on
6 election day, I guess your question is do we
7 make sure they're actually out of the county;
8 no, ma'am, we don't. We don't do that.

9 Q. Okay. And do you verify or
10 confirm any other, you know, excuses or reasons
11 for requesting an absentee ballot, other than,
12 you know, say, the voter will be out of the
13 county?

14 A. Some are obvious, such as they're
15 over sixty-five or what we call UOCAVA, the
16 Armed Forces, the soldiers or family member
17 that are out of the area.

18 Q. When you say some are obvious,
19 are those -- specifically or obvious, are you
20 saying -- What do you mean by that?

21 A. Well, there's no way to verify.
22 But if their date of birth, if they're
23 obviously over sixty-five, that's . . .

1 Q. Perfect. So on the face of the
2 application --

3 A. That would --

4 Q. I'm sorry?

5 A. I'm sorry. That would be
6 self-evident on that one.

7 Q. Perfect. Okay. But for others,
8 where it's not evident on the face of the
9 application, does your office take any
10 additional steps to verify the excuse
11 requirement?

12 A. There are some that are -- that
13 have physician signatures or notaries on them,
14 people that have illnesses that would -- I
15 can't think of the -- it's a green form. But
16 it's for a -- a year-long, permanent sort of
17 disability or illness. Usually that would be
18 somebody in a nursing home or something like
19 that, that that person would have that
20 particular application so they would not have
21 to apply for it every single election during
22 the cycle, if that makes sense.

23 Q. That does. Thank you.

1 A. That's notarized and signed by a
2 physician.

3 Q. That does. Thank you.

4 And just to be clear, if, for
5 example, there isn't -- the person requesting
6 an absentee ballot application isn't serving
7 overseas, and otherwise, the reason for their
8 requesting an absentee ballot is not apparent
9 on the face of the application, do you, or does
10 anyone in your office, take any other steps to
11 verify whether the reason is a valid and actual
12 reason for requesting a ballot?

13 A. No, ma'am.

14 Q. Has you or your office, I guess
15 the right word is, rejected an absentee ballot
16 application because of some issues with the
17 excuse requirement?

18 A. Only if none were checked. But I
19 can't think of anyone only for the excuse
20 requirement.

21 Q. Thank you. That's helpful.

22 Have there been instances since
23 you've been Absentee Election Manager that

1 you've received an application where no excuse
2 was checked?

3 A. Yes, ma'am.

4 Q. And how many times, about, has
5 that happened, to your recollection?

6 A. Two, I believe.

7 Q. And what did you do with those
8 two, based on your recollection?

9 A. Based on my recollection, they
10 would have been returned.

11 Q. What do you mean when you say
12 they would have been returned?

13 A. We had a procedure for that. We
14 had, I want to say, two hundred sixty-one
15 applications that were rejected for one reason
16 or another.

17 When we rejected one, we would
18 pull it off to the side; and we had a
19 deficiency letter that we would mail the
20 applicant. And we would mail the applicant
21 their original application and their copy of
22 their ID, we'd mail that back to them with a
23 letter explaining why their application was

1 being denied.

2 The vast majority of these were
3 because people were requesting a primary runoff
4 ballot for a Democrat party, which did not
5 exist. In Lee County, there was no runoff in
6 the Democrat party. But people were still
7 sending in applications requesting to vote for
8 something that didn't exist.

9 There were some that were general
10 election. Some people had voted Democrat in
11 the primary, but were requesting a Republican,
12 and we sent it back telling them, you know,
13 that would violate cross-over voting, that sort
14 of thing.

15 Q. Okay. Does your office prepare
16 form letters that you just modify for what the
17 reason why the application was rejected, and
18 include that?

19 A. Yes, ma'am.

20 Q. So for the two that were rejected
21 for failure to check an excuse, can you
22 summarize what the rejection letter in those
23 instances said or would say?

1 application?

2 A. Yes, ma'am.

3 Q. Did you specifically receive
4 questions from voters about whether they could
5 request an absentee ballot application because
6 of fear of contracting COVID-19?

7 A. Yes, ma'am.

8 Q. And what were your responses to
9 those inquiries?

10 A. We were glad to send them out an
11 application. Yes, that they could -- If they
12 were afraid to go to their polling place
13 because of COVID, they could request an
14 application for a ballot.

15 Q. And did you -- How did you send
16 those applications? Did you send them by mail
17 or email?

18 A. We mailed them. All physical
19 mail.

20 Q. Okay. And before I move on, I
21 just want to try to confirm how best to get the
22 historical absentee ballot information that we
23 noticed in the deposition notice.

1 Q. Thank you. I appreciate that.

2 And so if you receive an absentee
3 ballot application where, based on the face of
4 the application, a photo ID is required, and it
5 doesn't have a photo ID with it, accompanied
6 with the application, what does your office do?

7 A. It goes into that deficiency
8 stack, and we send them a letter as well. In
9 this particular election, there were a total of
10 ten.

11 Q. Okay. And what -- Can you recall
12 what the deficiency letter in this specific
13 circumstance would say?

14 A. It would say your application is
15 being denied or returned because you didn't --
16 I'm just summarizing, basically did not send a
17 copy of an ID.

18 Q. Okay. And is the application
19 denied outright if the photo ID requirement is
20 not met?

21 A. Yes, ma'am.

22 Q. There's no way to cure that
23 deficiency?

1 A. Well, they can bring in a copy of
2 an ID or mail one in, if that answers your
3 question.

4 In this particular case, since it
5 was a small number, I thought you might be
6 interested, I was able to research those ten,
7 four of those reapplied with ID and received
8 absentee ballots; four of them actually went to
9 their physical polling place and voted; and I
10 don't know what happened to the other two. I
11 guess they never followed up.

12 Q. Okay. So we just covered, at a
13 high level and pretty quickly, what your office
14 does to absentee ballot applications that don't
15 have a photo ID photocopy when they should.
16 You send the deficiency letter; correct?

17 A. Yes, ma'am.

18 Q. What does your office do with
19 absentee ballot applications that do have a
20 photocopy of a photo ID, but the name on the
21 photo ID photocopy doesn't match the name on
22 the application?

23 A. I'm not aware that we had any of

1 A. No, ma'am.

2 Q. For the July 14th primary runoff,
3 did you receive any questions from voters
4 requesting help satisfying the photo ID
5 requirement?

6 A. No, ma'am. Not that I remember.

7 Q. Did your office or did you
8 receive any requests from voters wanting to
9 request an absentee ballot application, to make
10 photocopies of their photo IDs?

11 A. Not that I recall.

12 Q. Does your office keep track of
13 the number of absentee ballot applications that
14 are not subject to the photo ID requirement?

15 A. Other than keying it in the
16 software, entering it in there, that's the only
17 way I'd know that our office would have that.

18 Q. But would you be familiar, know,
19 aroundabout, the number of absentee ballot
20 applications that were not subject to the photo
21 ID requirement?

22 A. No, ma'am, I wouldn't.

23 MS. KIDD: Object to the form.

1 their completed absentee ballot to be counted?

2 A. They would mail it to us, our
3 post office box, or we had some people that
4 would walk in, fill out the absentee
5 application, receive their ballot on-site, vote
6 on-site, and hand-deliver it to us at that
7 time.

8 And some people that received
9 their ballots in the mail after they marked
10 their ballots, they would bring them and
11 hand-deliver them to us.

12 Q. Okay. Are you familiar with the
13 witness requirement, as it's called in the
14 Plaintiffs' First Amended Complaint?

15 A. Yes, ma'am.

16 Q. And how would you describe the
17 witness requirement?

18 A. There's an affidavit envelope in
19 the packet that their secrecy envelope goes in.
20 And on that envelope, the voter would sign the
21 affidavit and either have two witnesses'
22 signature or have a notary public notarize it.

23 Q. Do you or does your office play

1 any role in determining whether an absentee
2 ballot complies with the witness requirement?

3 A. No, ma'am.

4 Q. Do you use the absentee ballot
5 affidavit at all to confirm the voter's
6 identity?

7 A. If it's got the barcode on it --
8 it should have a barcode on it, that's how we
9 would know that the ballot was returned from a
10 specific voter, if that answers your question.

11 Q. Okay. I'm just thinking through
12 the process.

13 So where, exactly, are completed
14 absentee ballots mailed?

15 A. Post Office Box 1616, Opelika,
16 Alabama.

17 Q. Okay. And I think I recall, but
18 who picks up the absentee ballots from the PO
19 box?

20 A. Either myself or one of the
21 employees.

22 Q. After you or one of your
23 employees picks up the absentee ballots from

1 any role in determining whether an absentee
2 ballot complies with the witness requirement?

3 A. No, ma'am.

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6 identity?

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16 Alabama.

17 Q. Okay. And I think I recall, but
18 who picks up the absentee ballots from the PO
19 box?

20 A. Either myself or one of the
21 employees.

22 Q. After you or one of your
23 employees picks up the absentee ballots from

1 the mail, can you walk me one more time through
2 the process you go through to make sure it's
3 counted?

4 A. Sure. This ballot, when it comes
5 to us in the mail, it should be in a brown
6 envelope, addressed to the Absentee Election
7 Manager; that envelope should have a barcode on
8 the outside of it, with the name.

9 When we get the envelope, we will
10 open it, take the affidavit envelope out of
11 there; we will staple that brown envelope to
12 the application that was originally received.

13 So that application now has the
14 copy of the photo ID, if that applied; it will
15 have the original envelope that the application
16 was mailed to us on it; and it will have the
17 envelope that the absentee ballot was mailed
18 in. So all those are stapled together as one
19 piece.

20 It's removed from the file drawer
21 that says ballots mailed to the file drawer
22 that says ballots received.

23 Good so far?

1 Q. Good.

2 A. Then the employee takes these --
3 Once they -- Say we have five come in that day,
4 takes these five applications back to the
5 computer and pulls them up one at a time under
6 the voter's name, either by scanning the
7 barcode or typing the voter's name in, and they
8 will mark that that ballot was returned on that
9 date, by mail, and it is saved. So that
10 information goes to the State and that answers
11 you, where those numbers are at.

12 Then that absentee ballot in that
13 affidavit envelope is placed in a box, it's
14 like a banker's box, with all the other ones
15 that come in, and that's where they stay until
16 the day of the election, and they're all turned
17 over to the absentee precinct poll.

18 Q. Okay. So do you know who does
19 check whether an absentee ballot meets the
20 witness requirement?

21 A. Yes. At that point in time, it
22 becomes the duty of the absentee poll inspector
23 whether or not to honor that affidavit envelope

1 as a ballot that's going to count or one that's
2 not going to count. And that's between them
3 and the Board of Registrars of how they do
4 that.

5 We really don't tell them what to
6 do, as far as if it meets the requirements or
7 not.

8 Q. Okay. Do you know what criteria
9 they use to determine whether it's going to
10 count or not?

11 A. No, ma'am.

12 Q. Do you train or participate in
13 any training with the absentee poll inspector?

14 A. No, ma'am.

15 Q. Can you explain the relationship
16 between your office and the absentee poll
17 inspector's office?

18 A. The role in the two offices are,
19 we deliver all those ballots to them.

20 Q. Okay. Is the absentee poll
21 inspector responsible for verifying that the
22 completed absentee ballot meets all the
23 requirements to be counted?

1 A. Yes, ma'am.

2 Q. Okay. Did your office receive
3 any questions from voters, ahead of the July
4 14th runoff, about the witness requirement?

5 A. I'm sorry. Ask that again.

6 Q. Did your office receive any
7 questions, ahead of the July 14th primary
8 runoff, about the witness requirement?

9 A. From the voters?

10 Q. That's right.

11 A. Yes, ma'am. I'm sure we got some
12 calls.

13 Q. Did you personally receive any
14 calls or are you aware of conversations
15 surrounding the witness requirement?

16 A. Yes, ma'am.

17 Q. Can you explain those?

18 A. We made voters aware of the
19 injunction that came down. If they marked the
20 correct response on the affidavit, we told some
21 if they had a question, if that was a concern,
22 that they could write COVID next to their
23 illness excuse.

1 of.

2 Q. Okay. Have you ever suspected
3 any instances of potential voter fraud in the
4 absentee ballot process?

5 A. I can't think of any right now.

6 Q. Do you think the photo ID
7 requirement helps to prevent voter fraud?

8 MS. KIDD: Object to the form.

9 A. Yes, ma'am.

10 Q. And why is that?

11 A. Well, it's just one more step, in
12 my opinion, to help keep people honest.

13 Q. And how, in your opinion, does it
14 help keep people honest?

15 A. Well, it's kind of like a lock on
16 a door, you know, it keeps honest people honest
17 -- I don't know if I'm conveying that thought
18 good.

19 If somebody wants to use a bad
20 idea or something, you know, if they do commit
21 fraud, that's one piece of evidence that an
22 investigator would have to follow up on a fraud
23 complaint or, you know, somebody using a stolen

1 ID, if that makes sense. You have a first
2 place to go to.

3 If I'm thinking about committing
4 voter fraud, and I know I have to have a valid
5 ID, it's going to make it harder for me to
6 commit that fraud.

7 Now, I can't just go and ask for
8 a neighbor's ballot or a stranger's ballot or a
9 family member's ballot, now I actually have to
10 show that I'm that person, if that makes sense.

11 Q. It does.

12 MS. REED: Okay. I'll note that
13 we've been going for about an hour. I have
14 maybe a few more questions, if we want to just
15 keep pushing through.

16 MS. KIDD: That's fine with me.
17 James, are you doing okay?

18 THE WITNESS: I'm good. It's on
19 y'all.

20 MS. REED: Actually, if we can,
21 if we can just take like a five-minute break.

22 MS. KIDD: I'm good with
23 whatever.

1 Alabama and Secretary of State John Merrill in
2 this case.

3 You talked earlier about what
4 would happen if you got a photo ID -- or a copy
5 of a photo ID with the absentee application and
6 the name was different on the ID than it was on
7 the application?

8 A. Yes, sir.

9 Q. Now, my name is Jim Davis, and
10 let's say I sent you an application and signed
11 it Jim Davis, and I put a copy of my photo ID
12 in with it, and that photo ID said James Davis.
13 So you had a Jim Davis and you had a James
14 Davis, in that case, would you automatically
15 just reject that application?

16 A. No, sir. Something like that,
17 and forgive me for saying simple, but in my
18 mind, it is. We could look at that and tell
19 your application is going to have your driver's
20 license number on it and/or the last four of
21 your Social.

22 Also, on your voter record, in
23 the software that I mentioned that the Board of

1 Registrars uses, as well as the election
2 officials, it will have all the matching
3 information in there too. So it would be
4 pretty easy for us to figure out that James and
5 Jim are the same person in this case.

6 Q. Oh, okay. And let's say somebody
7 has gotten married, and they sign an
8 application in the name of Mary Jones, and they
9 send in a copy of their photo ID which hadn't
10 been changed yet, the photo ID said Mary Smith,
11 same thing, you would check things like date of
12 birth, Social Security, and driver's license
13 numbers to try to see if that's the same
14 person?

15 MS. REED: Object to form.

16 A. Yes, sir.

17 MR. DAVIS: Thank you, Mr.
18 Majors. That's all I've got.

19 MS. KIDD: Anyone else? I have
20 just a couple, but I don't want to jump over
21 anybody else if anyone else has anything.

22 EXAMINATION

23 BY MS. KIDD:

1 People First Of Alabama Et Al. v. Merrill, John Et Al
2 James Majors (#4212762)

E R R A T A S H E E T

3
4 PAGE 86 LINE 20 CHANGE idea should be
5 changed to I.D.

6 REASON _____

7 PAGE _____ LINE _____ CHANGE _____

8
9 REASON _____

10 PAGE _____ LINE _____ CHANGE _____

11
12 REASON _____

13 PAGE _____ LINE _____ CHANGE _____

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15 REASON _____

16 PAGE _____ LINE _____ CHANGE _____

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18 REASON _____

19 PAGE _____ LINE _____ CHANGE _____

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21 REASON _____

22
23 James Majors 09/04/2020
24 James Majors Date
25

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1 People First Of Alabama Et Al. v. Merrill, John Et Al
2 James Majors (#4212762)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, James Majors, do hereby declare that I
5 have read the foregoing transcript, I have made any
6 corrections, additions, or changes I deemed necessary as
7 noted above to be appended hereto, and that the same is
8 a true, correct and complete transcript of the testimony
9 given by me.

10
11 James Majors
12 James Majors

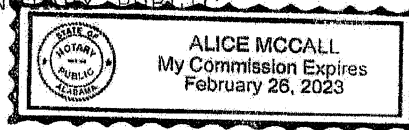
09/04/2020
Date

13 *If notary is required

14 SUBSCRIBED AND SWORN TO BEFORE ME THIS
15 4th DAY OF September, 2020.

16
17 Alice McCall
18

19 NOTARY PUBLIC



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